IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1171 OF 2007

Maneck Sheriar Anklesharia ..Petitioner

Vs.

State of Maharashtra
& Anr. ..Respondents

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Mr.H.S.Venegavkar advocate for Petitioner
Mr.A.R.Patil A.P.P. for the State
Mrs.Teja Katdare Advocate for Respondent No.2

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : NOVEMBER 27, 2007

P.C.

1. Heard the learned counsel for the Petitioner and the learned counsel for the Bombay Municipal Corporation.

2. The Petitioner has sought quashing of Case No.3009/MD-2004 registered under Section 471 of Mumbai Municipal Corporation Act. The said case is pending before the learned Metropolitan Magistrate, 41st Court at Shindewadi, Dadar, Mumbai.

3. The case of the B.M.C. is that notice was given under Section 257 of the Mumbai Municipal

Corporation Act to the Petitioner in respect of the repairs to be carried out by the Petitioner. As the repairs were not carried out, Bombay Municipal Corporation carried out the said repairs and incurred expenses of approximately Rs.34,800/-.

4. Mr.Venegavkar, the learned counsel for the Petitioner has submitted that the petitioner is a lady and she is almost 75 years of age and she has no other family members. Moreover, the petitioner is suffering from various medical problems including heart problem. Mr.Venegavkar on instructions states that petitioner is willing to deposit an amount of Rs.50,000/- with the Bombay Municipal Corporation in respect of the expenses incurred by B.M.C. for carrying out repairs. Mrs.Katdare, the learned counsel for the B.M.C. states that looking to the peculiar facts of this case that the petitioner is an old lady, she has no other family members or any close relations and the fact that she is suffering from medical problems and in view of the fact that the petitioner is willing to deposit an amount of Rs.50,000/-, there is no serious objection to the case being quashed in respect of the petitioner. In this view of the

matter, the Case No.3009/MD-2004 pending before the learned Metropolitan Magistrate, 41st Court at Shindewadi, Dadar, Mumbai in respect of the petitioner is quashed looking to the peculiar facts of this case. The petitioner to deposit an amount of Rs.50,000/- with Respondent No.2-Bombay Municipal Corporation by 20.12.2007. It is made clear that if the amount is not deposited within the said period, the case shall stand revived.

5. Mr.Venegavkar states that he will communicate this order to the Assistant Engineer (Maintenance), ‘C’ Ward, Mumbai.

6. Writ petition is disposed of.

[SMT.V.K.TAHILRAMANI, J.]